THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

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WRIT PETITION No.6520 of 2007

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Date: 02.04.2007

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Between:

Pentakota Nagesh.

….Petitioner

and

The Government of A.P. and another.

….Respondents

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O R D E R:

Petitioner states that he is the absolute sale agreement holder of the land admeasuring 149.33 square yards in Sy.No.119/3B part, Patta No.38 and 400 square yards in Sy.No.77/10/A5 situated at, Vepagunta Village and Grampanchayat, Pendurthi Mandal, Visakhapatnam District. It is stated that he intended to sell the said land to the intending purchaser and in that process, approached the second respondent for registration. The grievance of the petitioner is that the second respondent is not accepting any document for registration, on the ground that the Government issued a notification under Section 22-A of the Registration Act, 1908 (for short 'the Act'), in respect of the land in the said survey numbers. This writ petition is filed seeking appropriate directions to the respondents in this regard.

Heard the learned counsel for the petitioner and the learned Government Pleader for Revenue.

Section 22-A of the Act empowered the Government to issue notifications almost preventing the registration of documents in respect of the lands to be mentioned therein. Such a power was held to be *ultra vires* and the provision was struck down by the Hon'ble Supreme Court in ***State of Rajasthan v. Basanth Nahata***[1].

Once the sole basis for the second respondent to refuse registration had disappeared, he is under obligation to receive the documents and consider the same in accordance with the provisions of the Indian Stamp Act and the Registration Act.

Hence, the writ petition is disposed of, directing the second respondent to receive and process the document, if any, presented by the petitioner and take necessary steps in accordance with the provisions of the Indian Stamp Act and the Registration Act, within one week from the date of receipt of a copy of this order. There shall be no order as to costs.

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02.04.2007

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[1] AIR 2005 SC 3401 = (2005) 12 SCC 77